

Nodiadau Canllaw ar gyfer y Ffurflen Gais am Brofiant PA1

Bydd y nodiadau hyn yn gymorth i chi llenwi'r rhannau o Ffurflen PA1 gyda * wrthynt.

Adran A

A1 Amgaewch yr ewyllys wreiddiol ac unrhyw godisiliau gyda'ch cais os gwelwch yn dda (**nid** llungopi)

A6 Nodwch enwau unrhyw ysgutorion a enwir yn yr Ewyllys nad ydynt yn ymgeisio am y Grant Profiant a nodi un o'r rhesymau dros hyn:-

- A** Bod yr ysgutor wedi marw cyn i berchennog yr ewyllys farw.
- B** Bod yr ysgutor wedi marw ar ôl i berchennog yr ewyllys farw.
- C** Nid yw'r ysgutor yn dymuno gwneud cais am brofiant yn awr ond mae am gadw'r hawl i weithredu fel ysgutor yn y dyfodol os oes angen – gelwir y grym hwn yn “gadw hawl”.
- D** Nid yw'r ysgutor yn dymuno gwneud cais am brofiant o gwbl. Gelwir hyn yn “ildio”. Mae'n golygu eu bod yn ildio pob hawl i fod yn ysgutor.
- E** Mae'r ysgutor am benodi rhywun arall i fod yn dwnnai iddynt i dderbyn y Grant Cynrychiolaeth ar eu rhan. Sylwer, fodd bynnag, na all twrnai un ysgutor dderbyn grant ar y cyd gydag ysgutor sy'n gweithredu ar ei ran ei hun.

Os byddwch chi'n nodi rheswm D neu E, anfonwch lythyr wedi'i lofnodi gan yr ysgutor os gwelwch yn dda yn nodi eu bwriad pan fyddwch yn anfon y cais i'r Gofrestrfa Brofiant. Os byddwch chi'n nodi dewis C, D neu E, bydd y Gofrestrfa Brofiant, pan dderbynnir eich cais, yn anfon ffurflen atoch i'r ysgutor(ion) ei lofnodi i gadarnhau eu bwriad. Dylech drefnu i hon gael ei llenwi ac yna'i dychwelyd i'r Gofrestrfa Brofiant, yn ôl y cyfarwyddyd.

Enghraifft ar gyfer A6:

Mae Ewyllys yn penodi tri ysgutor – Brian Jones, Valerie Jones a Frank Smith. Mae Brian Jones am wneud cais am y grant, mae Frank Smith yn marw cyn i berchennog yr Ewyllys farw ac nid yw Valerie Jones am wneud cais am y grant ar hyn o bryd, gan ei bod yn gweithio llawn amser ac na all ddod i'r apwyntiad. Mae Valerie'n dymuno cadw'r drws ar agor fodd bynnag, rhag ofn y bydd angen iddi gael Grant Profiant yn y dyfodol e.e. os bydd Brian Jones yn marw cyn iddo gwblhau'r gweinyddu. Byddai'r ffurflen yn cael ei llenwi fel a ganlyn:

Frank Smith	A
Valerie Jones	C

Bydd y Grant Profiant yn cael ei roi i Brian Jones gyda Valerie Jones yn “cadw'r hawl”. Gofynnir i Valerie Jones lofnodi ffurflen “cadw'r hawl”.

Guidance Notes for Probate Application Form PA1

These notes will help you to complete the parts of form PA1 marked*

Section A

A1 Please enclose the original will and any codicils with your application (**not** a photocopy)

A6 Please state the names of any executors named in the will who are not applying for the Grant of Probate and show one of the following reasons for this:-

- A** The executor died before the deceased.
- B** The executor died after the deceased.
- C** The executor does not wish to apply for probate now but wishes to reserve the right to act as executor in the future if necessary - this option is referred to as having “power reserved”.
- D** The executor does not wish to apply for probate at all. This is referred to as “renouncing”. It means that they give up all their rights to act as executor.
- E** The executor wants to appoint another person to act as their attorney to take the Grant of Representation out on their behalf. Please note, however, that the attorney of one executor cannot take a grant jointly with an executor acting in his own right.

If you give reason D or E, please send a letter signed by the executor stating their intention when you send the application to the Probate Registry. If option C, D, or E is stated the Probate Registry will, on receipt of your application, send you a form for the executor(s) to sign to confirm their intention. You should arrange for this to be completed and then return it to the Probate Registry as instructed.

Example for A6:

A will appoints three executors - Brian Jones, Valerie Jones and Frank Smith. Brian Jones wishes to apply for the grant, Frank Smith dies before the deceased and Valerie Jones does not wish to apply for the grant at present, as she works full time and cannot attend the appointment. Valerie wishes to keep her options open however, just in case it becomes necessary for her to take out a Grant of Probate in future e.g. if Brian Jones dies before he has completed the administration. The form would be completed as follows:

Frank Smith	A
Valerie Jones	C

The Grant of Probate will issue to Brian Jones with “power reserved” to Valerie Jones. Valerie Jones will be asked to sign a “power reserved” form.

Adran B

Rhaid llenwi Adrannau B1 – B4 ymhob achos. Dylid llenwi adrannau B5 – B6 dim ond os nad oedd gan yr ymadawedig berthnasau yn Adrannau B1–B4.

Sylwer:

- Mae'r adran hon yn cyfeirio at berthnasau trwy waed/wedi eu mabwysiadu'n gyfreithlon yn unig; nid oes angen cael manylion perthnasau trwy briodas.
- Ystyr y term "goroesi" yw bod y person dan sylw'n fyw pan fu farw perchennog yr ewyllys.
- Os oedd gan y sawl a fu farw unrhyw hanner brodyr neu chwiorydd / ewythrod / modrybedd (h.y. dim ond un rhiant yn gyffredin), nodwch hyn ar y ffurflen os gwelwch yn dda.
- Diffinnir partneriaeth sifil fel partneriaeth rhwng dau berson o'r un rhyw a gofrestrwyd yn unol â Deddf Partneriaeth Sifil 2004.

B2(c), B4(c), a B6(c)

- B2(c) - Nodwch blant meibion neu ferched y sawl a fu farw a nodwyd yn B2(b), os yw'r plant dal yn fyw o hyd.
- B4(c) - Nodwch blant brodyr neu chwiorydd y sawl a fu farw a nodwyd yn B4(b), os yw'r plant dal yn fyw o hyd.
- B6(c) - Nodwch blant ewythrod neu fodrybedd y sawl a fu farw a nodwyd yn B6(b), os yw'r plant dal yn fyw o hyd.

Adran C

Os ydych yn gwneud cais ar ran yr unigolyn sydd â hawl i'r grant (h.y. fel eu hatwrnai), dylech anfon llythyr wedi'i lofnodi ganddynt hwy yn cadarnhau eu bod am i chi wneud cais gyda'ch cais chi. Os yw'r unigolyn sydd â hawl i'r grant eisoes wedi llofnodi Atwrneiaeth Barhaus (AB) neu Atwrneiaeth Arhosol (AA) materion ariannol ac eiddo, anfonwch y ddogfen wreiddiol atom. Rhaid cofrestru Atwrneiaeth Arhosol gyda Swyddfa'r Gwarcheidwad Cyhoeddus cyn y gellir ei defnyddio. Os na fydd y sawl sy'n rhoi AB neu AA yn gallu gwneud penderfyniad drosto/drosti ei hun oherwydd nam neu aflonyddiad ar weithrediad y meddwl neu'r ymennydd (h.y. diffyg gallu dan Ddeddf Galluedd Meddyliol 2005), cysylltwch â ni.

Adran D

D1 – D2

Nodwch gwir enw llawn yr ymadawedig. Fel arfer mae'r gwir enw yn cynnwys yr enwau cyntaf a ddangosir ar dystysgrif geni'r person a'r cyfenw a ddangosir ar y dystysgrif marwolaeth. Os nad felly y mae hi, cysylltwch â ni.

D3 – D4

Os oedd gan y sawl sydd wedi marw unrhyw asedau mewn unrhyw enw(au) heblaw am yn eu gwir enw, dylid nodi'r rhain. Does dim angen i chi ddangos yma unrhyw asedau a ddelid ar y cyd gyda rhywun arall.

Section B

Sections B1 - B4 must be completed in all cases. Sections B5 - B6 only needs to be completed if the deceased had no relatives in Sections B1 - B4.

Note:

- This section refers to blood/legally adopted relatives only; details of step relatives are not required.
- The term "survived" means the person was alive when the deceased died.
- If the deceased had any half brothers or sisters/uncles/aunts (i.e. only one parent in common), please indicate this on the form.
- A civil partnership is defined as one between two people of the same sex which has been registered in accordance with the Civil Partnership Act 2004.

B2(c), B4(c), and B6(c)

- B2(c) - Only include children of sons or daughters of the deceased entered in B2(b), where the children have survived the deceased.
- B4(c) - Only include children of brothers or sisters of the deceased entered in B4(b), where the children have survived the deceased
- B6(c) - Only include children of uncles or aunts of the deceased entered in B6(b), where the children have survived the deceased.

Section C

If you are applying on behalf of the person entitled to the grant (i.e. as their attorney), you should send a letter signed by them confirming that they want you to apply with your application. If the person entitled to the grant has already signed an Enduring Power of Attorney (EPA), or a Property and financial affairs Lasting Power of Attorney (LPA) please send the original document to us. An LPA must be registered with the Office of the Public Guardian before it can be used. If the donor of the EPA or LPA is unable to make a decision for him/herself due to an impairment of or a disturbance in the functioning of the mind or brain (i.e. lacks capacity under the Mental Capacity Act (MCA) 2005) please contact us.

Section D

D1 - D2

Please state the full true name of the deceased. The true name usually consists of the forenames as shown on the person's birth certificate and the surname as shown on the death certificate. If this is not the case please contact us.

D3 - D4

If the deceased had any assets in any name(s) other than their true name these should be stated. You do not need to show here any assets held jointly with another person.

Enghraifft ar gyfer D1 – D4:

Yr enw ar y dystysgrif geni	Emma Louise Jones
Yr enw ar y dystysgrif marwolaeth	Emma Louise Smith

Gwir enw'r sawl a fu farw yw Emma Louise Smith.

Roedd gan y sawl a fu farw gyfrif banc yn enw Louise Smith ac wrth yr enw hwn yr oedd pawb yn ei hadnabod. Dylid llenwi'r ffurflen fel a ganlyn:

Enwau cyntaf	Emma Louise
Cyfenw	Smith
Oedd gan y sawl sydd wedi marw unrhyw asedau (ac eithrio asedau ar y cyd) mewn enw arall?	Oedd
Os oedd, beth yw'r asedau hynny?	Cyfrif Banc Lloyds
Ac ym mha enw(au) y delir y rheiny?	Louise Smith

Bydd y grant yn cael ei roi yn enw "Emma Louise Smith a adwaenid fel arall yn Louise Smith".

D8 Ym mhob achos, rhaid sefydlu ymhle yr oedd preswylfa y sawl a fu farw ar ddyddiad eu marwolaeth. Fel arfer, preswylfa yw'r wlad y mae'r person dan sylw'n ei hystyried yn gartref parhaol iddynt. Fodd bynnag, fe allant fod â phreswylfa mewn gwlad heb gael cartref parhaol yno. Os nad ydych chi'n siwr beth yw ystyr hyn, dylech gysylltu â'ch cofrestrfa leol. Efallai y bydd angen i chi geisio cyngor cyfreithiol am hyn.

D9 Ar y cychwyn does dim rhaid i chi ddarparu copi o'r Dyfarniad Absoliwt, y dyfarniad yn diddymu'r bartneriaeth sifil neu'r dyfarniad Ymwahaniad Cyfreithiol os gadawyd ewyllys gan yr ymadawedig. Ond efallai y gofynnwn am ei weld yn ddiweddarach os bydd raid. Gellir derbyn copi swyddogol o'r dogfennau hyn gan y llys a'u cyhoeddodd neu gan Brif Gofrestrfa'r Adran Deulu, 42-49 High Holborn, Llundain, WC1V 6NP.

D10-D11

Os yw'r ceisydd am grant yn berson a fabwysiadodd/yn berson a fabwysiadwyd gan y sawl sydd wedi marw, ac nid oedd y sawl sydd wedi marw wedi gadael ewyllys, ffeiliwch gopi o'r cofnod yn y Gofrestr Plant Mabwysiedig. Gallwch gael copi swyddogol o'r cofnod o'r Swyddfa Gofrestru Gyffredinol/The General Register Office, Adran Mabwysiadu, Smedley Hydro, Trafalgar Road, Birkdale, Southport PR8 2HH.

Os oes gennych unrhyw ymholiadau cyffredinol, ffoniwch y Llinell Gymorth Profiant a Threth Etifeddiaeth Rhif ffôn: 0845 3020900 (codir cyfradd leol ar alwadau i'r rhif hwn)

Example for D1 - D4:

Name on birth certificate	Emma Louise Jones
Name on death certificate	Emma Louise Smith

The deceased's true name is Emma Louise Smith.

The deceased had a bank account in the name of Louise Smith and was commonly known by this name. The form should be completed as follows:

Forenames	Emma Louise
Surname	Smith
Did the deceased hold any assets (excluding joint assets) in another name?	Yes
If yes, what are the assets?	Lloyds Bank Account
And in what name(s) are they held?	Louise Smith

The grant will issue in the name of "Emma Louise Smith otherwise known as Louise Smith".

D8 The domicile of the deceased at the date of their death must be established in each case. Generally a person is domiciled in the country which they consider to be their permanent home. However they may be domiciled in a country without having a permanent home there. If you are unsure what this means you should contact your local registry. You may need to seek legal advice regarding this.

D9 You do not initially need to supply a copy of the Decree Absolute, decree of dissolution of civil partnership or decree of Judicial Separation if the deceased left a will. However we may ask to see it later if necessary. You can obtain an official copy of these documents from the court that issued them or from Principal Registry of the Family Division, 42-49 High Holborn, London WC1V 6NP.

D10-D11

If the deceased did not leave a will and the applicant for the grant is the adoptor/adoptee of the deceased, please file a copy of the entry in the Adopted Children's Register. An official copy of the entry in the Adopted Children's Register can be obtained from The General Register Office, Adoption Section, Smedley Hydro, Trafalgar Road, Birkdale, Southport PR8 2HH.

If you have any general enquiries, please telephone the Probate and Inheritance Tax Helpline Telephone number: 0845 3020900 (calls to this number are charged at local rate)

